



Rockport Wetlands By-law and MA Wetlands Protection Act
Application Guidelines for a Notice of Intent (NOI)
(Revised 03/09/15)

The following submission guidelines are intended to assist applicants and their consultants by providing the information necessary to address the concerns of the Rockport Wetlands Protection By-law and the MA Wetlands Protection Act Regulations. The Rockport Wetlands Protection By-law and Regulations may be downloaded at www.Rockportma.gov; the MA Wetlands Protection Act Regulations (310 CMR10.00) may be downloaded at the MA DEP website at: <http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-10-00-wetlands-protection-act-regulations.html>

- 1) **Review the Rockport Wetlands By-law and the MA Wetlands Protection Act Regulations with special attention to applicable wetland resource areas.**
- 2) **Please keep in mind when designing your project that the Commission has adopted setback requirements of a 25' No-Disturb Zone and a 50' No-Build Zone from the wetland resource area delineation line(s). NOTE: If, however, work is to take place within either of these “Zones”, include a written REQUEST FOR A WAIVER of the setback requirements and an alternatives analysis (why work cannot be done outside of the Zone(s)).**
- 3) **It is strongly recommended that you schedule an appointment to review your application materials before the filing deadline.** Our Conservation Agent is available to assist applicants during the permitting process. Please contact the Conservation Office at (978) 546-5005.
- 4) **Submit two (2) copies of a complete application and seven (7) copies of the plan and project narrative to the Rockport Conservation Commission two weeks before a regularly scheduled hearing (see details below). Send one (1) complete copy, simultaneously via certified mail to the:**

MA Department of Environmental Protection (DEP)
Northeast Region - Wetlands & Waterways
205B Lowell Street
Wilmington, MA 01887

*Depending on the location of your project you may also be required to send (1) copy of your application packet simultaneously via certified mail to the Natural Heritage and Endangered Species Program and/or the MA Division of Marine Fisheries.

The Rockport Conservation Commission (RCC) encourages electronic submittal of applications. All portions of applications may be electronically submitted to the RCC Office including:

- Site Plan(s)
- WPA forms
- Locus map
- Affidavit of service
- Notification to abutters
- Signed list of abutters
- Narrative letter
- If within a Riverfront Area, an alternatives analysis
- Blasting report
- Photos

Electronic filing will also require the following paperwork:

- a. Narrative (9 copies);
- b. Site Plan(s) (7 copies, may reduce size but no smaller than 11”x 17”); and
- c. One (1) paper **original** and one (1) paper **copy** of the entire submission, including large scale 36”x 24” plan(s) (where applicable).

The Conservation Agent will prepare a file for viewing the material at the meeting. A laptop computer, projector and screen are available for this purpose. The electronic presentation should be submitted in a protected format (such as pdf or CAD). Electronic submission will greatly reduce the amount of paper used when filing requests and make the material easier to display for the public viewing during presentations to the RCC.

A complete application includes:

- a. **The WPA Form 3 - Notice of Intent.**
- b. **Fees: Fees are calculated by the type and number of activities. Applications reviewed under the MA Wetlands Protection Act and the local Rockport Wetlands By-law (most applications) are subject to both state and local filing fees; applications reviewed under the local By-law only are subject to local filing fees.** * Each application reviewed under the MA Wetlands Protection Act and the local Rockport Wetlands By-law requires the submission of four (4) checks for three (3) separate fees. Please provide a copy of these four checks with the application.

State Fees: The state fees are divided between the State and local government. **See BRP WPA Form 3 Instructions to Section F: Fees and the Appendix B Wetland Transmittal Form attachment to calculate your state application fee.**

- i. *The Town's share of the state wetland filing fee*, in the form of a check or money order made payable to The Town of Rockport, shall be submitted to the Conservation Commission along with a copy of the Wetland Fee Transmittal Form (pages 1 and 2).

- ii. ***The State's share of the state wetland filing fee***, in the form of a check or money order made payable to the Commonwealth of Massachusetts, shall be sent **via certified mail** along with a copy of the Wetland Fee Transmittal Form (pages 1 and 2) to the following address:

*Department of Environmental Protection
Box #4062
Boston, MA 02211*

Local Fees: The local fee is submitted to the local Conservation Commission. **Complete the attached local filing fee calculation worksheet and submit with a check for the appropriate amount to the Conservation Commission.** Make check payable to: The Town of Rockport. *Please include the applicants name and address on the check.

Legal Ad Fee: There is a fee for placing a legal ad in the Gloucester Daily Times. Our Conservation Agent will create the legal ad and submit it to the paper. **Please contact our Agent @ 978-546-5005 for the most current fee amount.** Make check payable to: Gloucester Daily Times and submit to the Rockport Conservation Commission with the application. *Please include the applicants name and address on the check.

- c. **A narrative cover letter** providing details of the project and the proposed works location relative to the boundaries of each wetland resource area within 100 feet. The letter should include for example details about the construction sequence, construction materials, equipment to be used, stockpiling areas, plans to mitigate for run-off, placement of erosion and sediment controls, the limit of work area, plantings, etc.
- d. **If your Project is within a Riverfront Area, you are required to follow the protocol established in 310 CMR 10.58 including the submission of a written Alternatives Analysis.**
- e. **A Plan**
 - i. An engineer stamped site plan, to the scale of 1 " = 20', delineating wetland resource areas including all 100 foot buffer zones and proposed activities/structures within these areas. The location of transects, soil samples and vegetation plot sites shall be staked or flagged in the field and flags shall be represented on the Plan. The wetland scientist's report of the delineation together with the field data sheets in accordance with 310 CMR 10.55 (DEP Bordering Vegetated Wetland Delineation Form) shall be submitted with the application.

- ii. Existing and proposed contours of the site and existing contours within 50' around its perimeter shall be shown. The contour interval shall be one foot except in those areas that exceed 20% grade. Spot elevations shall be included in areas with grades of 2% or less. Elevations shall be based on Mean Sea Level Datum of 1988 (NAVD) with a permanent benchmark for all projects; assumed datum may be used for small renovation type projects not within the 100-year FEMA flood zones.
- iii. All structures shown on the Plan shall be labeled in feet and the property boundaries shall be clearly marked.
- iv. Profile drawings shall be provided for all proposed drainage systems, including retention/detention basins, and for sewer systems if located within the buffer or resource area. Profiles shall be at horizontal scale of 1" = 20' and a vertical scale of 1" = 4'.
- v. Existing and proposed locations of all drainage structures, including foundation and roof drains, with rim and invert elevations; and profiles of all proposed drain lines and culverts.
- vi. Highest and lowest elevations for cellars, foundations, septic systems, leaching galleries and groundwater recharge systems.
- vii. Location of water retention areas, swales and French drains with elevations for the bottom, inlet and outlet, spillway and 100-year flood level.
- viii. Observed and estimated maximum ground water elevations shall be obtained at the location of each proposed retention/detention basin, storm water infiltration structure, and proposed wetland replication area(s). The dates at which the observations were made for detention ponds or retention ponds and the locations of observation pits or wells shall be indicated on the plans.
- ix. The location of all easements, including but not limited to, underground utilities, drainage or trail easements on the site.
- x. A runoff plan and calculations showing the pre- and post- development runoff conditions for comparative purposes. Runoff calculations shall be prepared for the 1, 10, and 100-year storm frequencies for all activities that impact wetland resource areas and land subject to flooding. Drainage calculations shall be prepared by utilizing the NRCS TR55 or TR20 Method, or other method approved by the Commission. The Rational Method may be used for watersheds under five (5 acres).
- xi. Location and detail of all proposed erosion and sedimentation controls.
- xii. In the event of a proposed alteration of a water course, cross-section showing slope, bank and stabilization treatment shall be shown at specified intervals along the affected water course.
- xiii. The location of any wells or sources of potable water on the site or within 300 feet of any property line. A list of pesticides, herbicides, non-aqueous dust controls, or other chemical products to be applied to areas covered by

- the Notice of Intent. If the chemical products have MSDS sheets, copies shall be supplied.
- xiv. Typical and actual cross sections shall be provided for proposed wetlands driveway crossings, retention/detention basins, proposed drainage ditches or swales, and for proposed alterations to existing watercourses. Cross sections shall be drawn at a horizontal and vertical scale of 1" = 4' and shall show existing and proposed slopes, banks, fill material, and surface treatment. Cross section intervals shall not exceed 50'.
 - xv. General soil characteristics of the area as provided by the U. S. Natural Resource Conservation Service (NRCS) and by hand dug soil observation pits at specified sites shall be required if there is a dispute as to an existing or former wetland line or in enforcement cases when there is an attempt to determine the former wetland line.
- f. **Blasting Report:** If blasting will be occurring within 50' of any wetland resource area you are required to submit a blasting analysis report from a licensed professional so that the Commission can evaluate any potential impacts to resource areas.
- g. **Notification of Abutters** - The applicant shall submit a copy of an abutters list of the most recent applicable tax list of the assessors. This list must be verified and stamped by the Rockport Assessor's Office at the same time as submitting the application. **When applying for an abutters list from the Assessors' Office, please be aware of the form you are using for application (WPA and By-law, or By-law Only) as the abutters list will be different.** The applicant shall subsequently submit copies of "Receipt for Certified Mail", "Return Receipt Cards" or other acceptable proof of abutter notification (check with the post office for most cost-effective means for proof of mailing) before the hearing may open. Abutters shall include owners of land directly opposite on any public or private street or way, and abutters and abutters to the abutters within 300 feet (and all properties within 100 feet) of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. **Please contact our Agent @ 987-546-5005 for use of other forms of proof of abutter notification.**
- h. Indicate on a **locus or USGS map** of Rockport, the general location of the project work (you may use the locus map found on our website).
- i. **Stormwater Management** - Stormwater control designs shall conform to the Department of Environmental Protection's Stormwater Management Policy dated March 1997, or as amended. These standards apply to industrial, commercial,

institutional, residential subdivision, and roadway projects, including site preparation, construction, redevelopment, and on-going operation. **Standards do not apply to:**

- i. Single-family house projects;
 - ii. Small Residential Subdivisions (less than or equal to 4 single-family houses, or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas; or
 - iii. Emergency repairs to roads or their drainage systems.
- 5) Once the Conservation Office receives the copies of a complete application, a public hearing will be scheduled. **The Commission requires that a complete application packet be submitted a minimum of 2 weeks before a regularly scheduled, public hearing.** Please check in with the Conservation Office for upcoming deadlines.
- 6) The Commission will arrange for the publishing of a legal notice in a local newspaper and at Town Hall. **Please note that the newspaper will not print the legal advertisement until the fee is prepaid (see 4b above).**
- 7) **The applicant or a designated representative is required to attend the scheduled public hearing(s) and to give a presentation on the proposed project.** Most often the first hearing is followed-up with a site visit by the Commission. Hearings continue until the Commission is satisfied that all information necessary to make a decision on the permit application has been presented and then the hearing will be closed.
- 8) **The Commission will vote on a draft Order of Conditions (the permit) at a public meeting within 21 days after the hearing is closed.** The Order of Conditions will be issued to the applicant via certified mail or the applicant may arrange to pick it up at Town Hall. **After the ten (10) business day state appeal period has past, the applicant must record the Order of Conditions at the Registry of Deeds in Salem, MA. Once all pre-construction conditions have been met the applicant may begin the permitted work, provided all other necessary permits have been obtained.**